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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

REV. PATRICK J. MAHONEY, CHRISTIAN)
DEFENSE COILATION, OPERATION)
RESCUE BOSTON, and OPERATION)
RESCUE WEST,)

Plaintiffs,

vs.

CITY OF BOSTON and MAYOR THOMAS)
M. MENINO, in his Official Capacity as)
Mayor of the City of Boston,)

Defendants.

Case No.

PETITION FOR PRELIMINARY
INJUNCTION

04 10008 WGY

Plaintiffs make this Petition for a Preliminary Injunction pursuant to Fed.R.Civ.P. 65, and is based on the facts set forth in the Declaration of Patrick J. Mahoney included herewith, and any and all additional evidence that may be presented at the preliminary hearing. In addition, plaintiffs file simultaneously herewith their memorandum of law in support of the injunction.

PETITION - 1

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1 Plaintiffs hereby apply for entry of a preliminary injunction ordering the
2 defendants, their agents, servants, employees, and attorneys, and those acting in active concert
3 with them to refrain from enforcing and/or utilizing the newly enacted permitting process being
4 utilized for the week of July 24 through August 1, 2004 during the Democratic National
5 Convention pending this case being heard by this Court. In the interim, it is respectfully
6 requested that the Court order these defendants to promulgate and utilize the permitting process
7 used by the National Parks Service in Washington DC relevant to the Presidential Inauguration;
8 permits are deemed granted after 24 hours.
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11 In support of this application, plaintiffs stress that (1) the issuance of a Preliminary
12 Injunction is necessary to prevent irreparable harm to plaintiffs and others. Unless this Court
13 enjoins the defendants, plaintiffs' constitutional rights will continue to be violated in that the
14 newly enacted permitting process is an unconstitutional prior restraint on these plaintiffs First
15 Amendment rights, a violation of the First and Fourteenth Amendments to the United States
16 Constitution. Enforcement of the newly enacted permitting process will result in irreparable
17 injury and deprivation to the plaintiffs of their First and Fourteenth Amendments rights
18 guaranteed by the United States Constitution.
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21 WHEREFORE, plaintiffs respectfully request that this Court enter a Preliminary
22 Injunction ordering the defendants from the facts set forth above, most specifically:

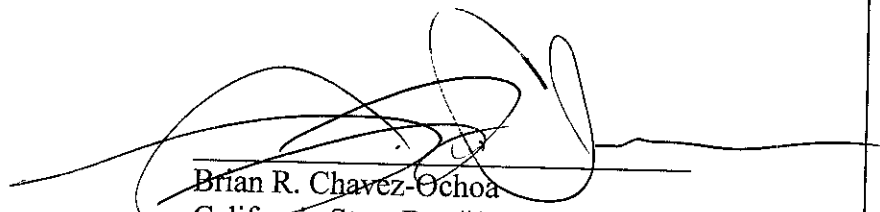
23 Order the defendants, their agents, servants, employees, and attorneys, and those acting in
24 active concert with them to refrain from enforcing and/or utilizing the newly enacted permitting
25 process being utilized for the week of July 24 through August 1, 2004 during the Democratic
26 National Convention pending this case being heard by this Court. In the interim, it is
27 respectfully requested that the Court order these defendants to promulgate and utilize the
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1 permitting process used by the National Parks Service in Washington DC relevant to the
2 Presidential Inauguration; permits are deemed granted after 24 hours.

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4 Dated: May 17, 2004.

5 Respectfully submitted,

6 CHAVEZ-OCHOA LAW OFFICES

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